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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,238	01/29/2004	Kang Soo Seo	46500-000582/US	2909

30593 7590 07/22/2008  
HARNESSE, DICKEY & PIERCE, P.L.C.  
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EXAMINER
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DUNN, MISHAWN N

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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07/22/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/766,238	<b>Applicant(s)</b> SEO ET AL.	
	<b>Examiner</b> MISHAWN DUNN	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,5-7, 13,14, and 17-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5-7, 13,14, and 17-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/08</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/20/2008 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 6/20/2008 have been fully considered but they are not persuasive.

3. Applicant argues that Kato et al. Fails to disclose "playlist including a playitem" with "the playitem including a packet identifier information field indicating the packet identifier (PID) of the transport stream packets associated with the playitem" as recited in claim 1.

The examiner respectfully disagrees. Kato teaches a playlist including a playitem (fig. 2). Kato further teaches that the playitem, which is an interval of the AV stream (fig. 2), includes PID of the transport packets (para. 0240). Additionally, Kato teaches a playlist with multiple playing intervals (i.e. multiple reproduction paths) of a data stream with packet identifiers of the of the playitems (para. 0240; fig. 2). Therefore, the rejection of claim 1 stands.

Further, Kato et al. does not only disclose the PID “denoting one video stream in the program.” Kato et al. teaches that when there is a multi-view program, only one view can be watched by the user (reproducing apparatus cannot changes views), so only one PID is needed for the one video stream (paras. 0624-0633).

4. With respect to 35 U.S.C. 101, claims 1, 5-7, 13, and 14 recite a data structure which does not impart functionality to a computer or computing device and is thus considered nonfunctional descriptive material. Since there is not a functional interrelationship with a computer claims 1-16 are deemed non-statutory. See 2106.01.

### ***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1, 5-7, 13, and 14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claim 1 defines a computer readable medium having a data structure for managing reproduction of data stream recorded on the computer readable medium. The claimed invention would have been statutory had it been worded to include **computer program** embedded in a computer readable medium. Computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationship between the computer program and the rest of the computer which permit the computer

program's functionality to be realized, and is thus statutory. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 5-7, 13, 14, 17, 18, and 21-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Kato et al. (U.S. Pub. No. 2005/0019007).

3. Consider claim 1. Kato et al. discloses a computer readable medium storing a computer-executable data structure for managing reproduction of data streams (para. 0029) having multiple reproduction paths (fig. 2), comprising: a data area configured to store a plurality of transport stream packets of the data streams, the transport stream packets having respective packet identifiers (PID) (paras. 0205, 0240, and 0242); and a navigation area configured to store a playlist for managing playback of the data stream (para. 0257), the playlist including a playitem indicating a playing interval of the data stream (para. 0188; fig. 2), and the playitem including a packet identifier information field indicating the packet identifier (PID) of the transport stream packets associated

with the playitem such that the packet identifier information field identifies a reproduction path among the multiple reproduction paths (paras. 0240 and 0242).

4. Consider claim 5. Kato et al. teaches a computer readable medium wherein the data streams are elementary data streams (paras. 0239-0242).

5. Consider claim 6. Kato et al. teaches a computer readable medium wherein the data area stored elementary streams as transport streams (paras. 0240 and 0242).

6. Consider claim 7, Kato et al. teaches a computer readable medium wherein the data area stores the data streams multiplexed together (paras. 0176 and 0177).

7. Consider claim 13. Kato et al. teaches a computer readable medium wherein the plurality of data streams includes video data streams (para. 0240).

8. Consider claim 14. Kato et al. teaches a computer readable medium wherein the data streams further includes at least one of audio data streams, graphics data streams and subtitle data streams (para. 0240).

9. Consider claim 21. Kato et al. teaches the computer readable medium of claim 1, wherein the data streams are multi-angle data streams (paras. 0624-0633).

10. Consider claim 23. Kato et al. teaches the method of claim 17, further comprising: multiplexing the data streams together (paras. 0248-0249).

11. Consider claim 25. Kato et al. teaches the method of claim 18, further comprising: de-multiplexing the data streams stored multiplexed together (paras. 0586-0587)

12. Claims 17, 18, 22, and 24 are rejected using similar reasoning as the corresponding claims above.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 19, 20, and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al. (U.S. Pub. No. 2005/0019007) in view of Monahan (U.S. Pub. No. 2004/0141436) .

15. Consider claim 19. Kato et al. teaches all claimed limitations as stated above, except a pickup configured to record data streams on a computer readable medium and a controller, operably coupled to the pickup, configured to control the pickup to record on the computer readable medium.

However, Monahan teaches a pickup configured to record data streams on a computer readable medium and a controller, operably coupled to the pickup, configured to control the pickup to record on the computer readable medium (fig. 1).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to provide a pickup and a controller, , in order to efficiently record data on the computer readable medium.

16. Consider claim 26. Kato et al. teaches wherein the data streams are multi-angle data streams (paras. 0624-0633).

17. Consider claim 27. Kato et al. teaches the method of multiplexing the data streams together (paras. 0248-0249)

18. Claims 20, 28, and 29 is rejected using similar reasoning as the corresponding claim above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MISHAWN DUNN whose telephone number is (571)272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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/MISHAWN DUNN/  
Examiner, Art Unit 2621  
July 9, 2008

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621